

. . . .

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
FRANKLIN COUNTY, ILLINOIS

PHILLIP C. LYNCH and JEANNE  
LYNCH,

Plaintiffs,

v.

Case No. 17-L-

SEAN D. BIELICKE, NEBRASKA  
NEXT DAY, INC., and DHL EXPRESS  
(USA), INC. d/b/a DHL EXPRESS,

Defendants.

**COMPLAINT**

**COUNT I - PHILLIP C. LYNCH V. SEAN D. BIELICKE**

NOW COMES the Plaintiff, PHILLIP C. LYNCH, by his attorneys, the Womick Law Firm, Chtd., and for his Complaint against the Defendant, SEAN D. BIELICKE, states:

1. That the Plaintiff, PHILLIP C. LYNCH, is an individual who resides in Christopher, Franklin County, Illinois, and who was, on the 17<sup>th</sup> day of July, 2017 traveling in an easterly direction on Route 14 within the vicinity of West City, Franklin County, Illinois;
2. That at that place and on that date the Defendant, SEAN D. BIELICKE, was traveling in a northerly direction on Eakin Grove Church Road toward the intersection of that road with the highway, Illinois State Route 14;
3. That the Defendant, BIELICKE, failed to stop as he entered the intersection and pulled directly in front of the Plaintiff causing a collision between the vehicle being operated by the Plaintiff and the vehicle being operated by the Defendant;
4. That on that day and place the Defendant BIELICKE committed one or more of the following acts or omissions of negligence:



- A. That he failed to exercise proper lookout for other vehicles then and there on the roadway; and/or
- B. That he was operating his motor vehicle at a rate of speed that was too fast for the conditions then and there present; and/or
- C. That he entered a highway, Route 14, where said route intersects with Eakin Grove Church Road and he failed to yield the right-of-way to the Plaintiff; and/or
- D. That he entered onto the highway, Route 14, at the intersection of Eakin Grove Church Road without bringing his vehicle to a complete stop;

5. That the acts or omissions of negligence on the part of the Defendant, SEAN D. BIELICKE, was the proximate cause of the injuries suffered by the Plaintiff of a personal and pecuniary nature, including necessary medical care in the past and the future; pain and suffering in the past and future; a decrease in the enjoyment of life; and a decrease in earning capacity;

6. That at all times referred to herein the Defendant, SEAN D. BIELICKE, was employed by the Defendant, NEBRASKA NEXT DAY, INC., was acting within the scope of his employment and, therefore NEBRASKA NEXT DAY, INC. is liable to the Plaintiff for the negligence of its agent, SEAN D. BIELICKE;

7. That at all times referred to herein the vehicle being driven by the Defendant, SEAN D. BIELICKE, had been leased to DHL EXPRESS (USA), INC. d/b/a DHL EXPRESS, and the vehicle had the name DHL Express and the Interstate Commerce Commission Carrier Number of DHL on the vehicle;

8. That the Interstate Commerce Commission regulations, referred to as the "decals rule", imposes vicarious liability on the vehicle lessee, here DHL, as long as the name of the

company and the Interstate Commerce Commission Carrier Number is on the vehicle as of the time of the collision, as it was here. Thus, DHL is vicariously liable for the acts or omissions of the Defendant, SEAN D. BIELICKE, as alleged herein.

WHEREFORE, the Plaintiff, PHILLIP C. LYNCH, prays for judgment against the Defendant, SEAN D. BIELICKE, for an excess of Fifty Thousand Dollars (\$50,000.00) and demands trial by jury of six (6).

**COUNT II - PHILLIP C. LYNCH V. NEBRASKA NEXT DAY, INC.**

NOW COMES the Plaintiff, PHILLIP C. LYNCH, by his attorneys, the Womick Law Firm, Chtd., and for his Complaint against the Defendant, NEBRASKA NEXT DAY, INC., states:

1-8. Plaintiff repeats and realleges Paragraphs 1-8 of Count I as and for Paragraphs 1-8 of Count II.

WHEREFORE, the Plaintiff, PHILLIP C. LYNCH, prays for judgment against the Defendant, NEBRASKA NEXT DAY, INC., for an excess of Fifty Thousand Dollars (\$50,000.00) and demands trial by jury of six (6).

**COUNT III - PHILLIP C. LYNCH V. DHL EXPRESS (USA),  
INC. D/B/A DHL EXPRESS**

NOW COMES the Plaintiff, PHILLIP C. LYNCH, by his attorneys, the Womick Law Firm, Chtd., and for his Complaint against the Defendant, DHL EXPRESS (USA), INC. D/B/A DHL EXPRESS, a corporation, states:

1-8. Plaintiff repeats and realleges Paragraphs 1-6 of Count I as and for Paragraphs 1-8 of Count III.

WHEREFORE, the Plaintiff, PHILLIP C. LYNCH, prays for judgment against the Defendant, DHL EXPRESS (USA), INC. D/B/A DHL EXPRESS , a corporation, for an excess of Fifty Thousand Dollars (\$50,000.00) and demands trial by jury of six (6).

**COUNT IV - JEANNE LYNCH V. SEAN D. BIELICKE**

NOW COMES the Plaintiff, JEANNE LYNCH, by her attorneys, THE WOMICK LAW FIRM, CHTD., and for Count IV of the Complaint against the Defendant, SEAN D. BIELICKE, states as follows:

1-8. Plaintiff repeats and realleges Paragraphs 1-6 of Count I as and for Paragraphs 1-6 of Count IV.

9. As a direct and proximate result of the carelessness and negligence of the Defendant, as set forth above, the Plaintiff, JEANNE LYNCH, as wife of the Plaintiff, PHILLIP C. LYNCH, has suffered consequential damages and has been deprived of her husband's full society, care, comfort, companionship, and support, and has otherwise suffered a loss of consortium.

WHEREFORE, the Plaintiff, JEANNE LYNCH, prays for judgment against the Defendant, SEAN D. BIELICKE, for an excess of Fifty Thousand Dollars (\$50,000.00) and demands trial by jury of six (6).

**COUNT V - JEANNE LYNCH V. NEBRASKA NEXT DAY, INC.**

NOW COMES the Plaintiff, JEANNE LYNCH, by her attorneys, THE WOMICK LAW FIRM, CHTD., and for Count IV of the Complaint against the Defendant, NEBRASKA NEXT DAY, INC., states as follows:

1-9. Plaintiff repeats and realleges Paragraphs 1-9 of Count IV as and for Paragraphs

1-9 of Count V.

WHEREFORE, the Plaintiff, JEANNE LYNCH, prays for judgment against the Defendant, NEBRASKA NEXT DAY, INC., for an excess of Fifty Thousand Dollars (\$50,000.00) and demands trial by jury of six (6).

**COUNT VI - JEANNE LYNCH V. DHL EXPRESS, A CORPORATION**

NOW COMES the Plaintiff, JEANNE LYNCH, by her attorneys, THE WOMICK LAW FIRM, CHTD., and for Count IV of the Complaint against the Defendant, DHL EXPRESS, a corporation, states as follows:

1-9. Plaintiff repeats and realleges Paragraphs 1-9 of Count IV as and for Paragraphs 1-9 of Count VI.

WHEREFORE, the Plaintiff, JEANNE LYNCH, prays for judgment against the Defendant, DHL EXPRESS, a corporation, for an excess of Fifty Thousand Dollars (\$50,000.00) and demands trial by jury of six (6).

WOMICK LAW FIRM, CHTD.

/s/ JOHN WOMICK

WOMICK LAW FIRM, CHTD.  
ATTORNEYS AT LAW  
501 RUSHING DRIVE  
P.O. BOX 1187  
HERRIN, IL 62948  
Phone: (618) 993-0911  
Fax: (618) 998-9991  
[jwomick@womicklawfirm.com](mailto:jwomick@womicklawfirm.com)